

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1358.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF KETCHUP.

On November 10, 1910, the United States Attorney for the District of Vermont, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 175 cases of ketchup in the possession of the Spaulding-Kimball Co., Burlington, Vt. The libel was subsequently amended by inserting 188 cases in lieu of 175 cases. The product was labeled: (On shipping case) "2 Doz. 14 oz. Sunny Side Tomato Ketchup, contains 1/10 of 1% Benzoate of Soda—Manufactured for the Jersey Packing Co., Cincinnati, U. S. A." (On retail package) "Trade Mark—Sunny Side Ketchup—Not artificially colored. Contains tomatoes, pieces of tomatoes, sugar, salt, vinegar, onions, garlic and spices. One-tenth of 1% Benzoate of Soda. Manufactured for the Jersey Packing Co., Cincinnati, U. S. A."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain 200,000,000 bacteria per cc., 73 yeasts and spores per one-sixtieth cmm., and mold filaments in 77 per cent of the fields examined. The case was certified to the United States Attorney because of adulteration, in that the product consisted in part of a filthy, decomposed, and putrid vegetable substance. The said attorney, however, after alleging in the libel that the product, after shipment by the T. A. Snyder Preserve Co., of Cincinnati, Ohio, from the State of Ohio into the State of Vermont, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in whole or in part of a filthy and decomposed vegetable substance, alleged further that it contained other ingredients deleterious and detrimental to health, and unfit for human food, and was therefore liable to seizure for confiscation.

On January 11, 1911, the cause coming on for hearing, and the Jersey Packing Co. having appeared as claimant and owner of said product, and filed its plea consenting to a judgment of condemnation and forfeiture, and it further appearing to the court from the return of the marshal that he had seized 188 cases of said product, the court entered its decree, finding the product adulterated as alleged in the libel, condemning and forfeiting it to the United States, and ordering its destruction by the marshal.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 30, 1912.*

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